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EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Acknowledgements

1. Claims 1-24 are remain pending and have been examined.
2. This Office Action is responsive to the amendment filed on July 31, 2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al. (US Patent No. 6,957,193 B2) ("Stefik") in view of Spagna et al. (US Pub. No.: 2006/0089912 A1) ("Spagna").

Referring to claim 1, Stefik discloses the following:

a) a communication unit (Processing Computer-1803/Fig.18) for executing communication processing with a license storage device (license server) storing rights information serving as usage rights information of contents (digital ticket) associated with a user of the information processing device, and communication processing with a contents distribution server (server-1803/Fig.18) (C7, L1-9, L20-28, C26, L17-29 –the server computer will be receiving and processing access requests to digital works);

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b) an encryption processing unit (server computer-1803/Fig.18) for executing encryption (encrypted digital ticket) processing including authentication (authorize digital work, Table-1) processing in said communication processing (C13, L4-12, C15, Table 1, 2(1-2), C26, L1-11 – digital works are minimally encrypted, including ones on removal storage); and

c) a control unit (Operating System-1301) for executing processing control for inputting rights information corresponding to contents (digital ticket) from said license storage device (license server), via said communication unit (server computer-1803/Fig.18), transmitting said input rights information to said contents distribution server (Server-1803/Fig.18), and receiving contents set corresponding to said transmission rights information from said contents distribution server (client repository) and playing or using said contents (C3, L53-67, C51, L24-59 – receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Stefik does not expressly disclose license storage device store the licensing and usage rights.

Spagna discloses license storage device (license database 197) store the licensing and usage rights (see ¶¶ 0285, 0321, 0821, 0926, 0930).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Stefik for a repository with security class and method for use thereof with the features of Spagna for a system and method of updating usage conditions in lieu of download digital rights management protected content in order provide these goals, a need exists for digital content providers to use an electronic distribution model to make digital

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content available to a wide range of users and businesses while ensuring protection and metering of digital assets.

Referring to claim 2, Stefik further discloses wherein said encryption processing unit has a configuration for executing verification processing for a tampering verification value attached to contents-corresponding rights information input from said license storage device (C3, L53-67, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 3, Stefik further discloses wherein said encryption processing unit executes mutual authentication with said license storage device (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on removal storage); and wherein said control unit has a configuration for executing input processing of contents-corresponding rights information input from said license storage device via said communication unit, with the establishment of said mutual verification as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 4, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said license storage device, and for executing verification processing for a tampering verification value attached to contents-corresponding rights information input from said license storage device via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 5, Stefik further discloses wherein said rights information stores download-type information containing permit/forbid information relating to cache processing permission of distribution contents from said contents distribution server (Fig.1(105,106,107) – access may be granted or denied); and wherein said control unit is of a configuration for deciding permission/forbidding of cache processing of download contents following said download type information (Fig.1(105,106,107) –access may be granted or denied).

Referring to claim 6, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents distribution server, and for executing verification processing for a tampering verification value attached to a contents file from said contents distribution server via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28,

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C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 7, Stefik discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents distribution server, and for executing decryption of an encrypted contents encryption processing key attached to a contents file from said contents distribution server via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 8, Stefik further discloses wherein header information of a contents file received from said contents distribution server contains RHD check mode information setting whether or not to take connection with said license storage device at the time of playing contents as a precondition thereof (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works); and wherein said encryption processing unit executes mutual authentication processing with said license storage device for contents playing processing wherein said RHD check mode information takes connection with said license storage device at the time of playing contents as a precondition

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thereof (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on removal storage); and wherein said control unit performs contents playing processing with establishment of said authentication as a precondition thereof (C3, L53-67, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 9, Stefik further discloses wherein header information of a contents file received from said contents distribution server contains output control information of contents (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, L24-59 – receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work); and wherein said control unit executes output control of contents following said output control information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

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Referring to claim 10, Stefik further discloses wherein said rights information contains contents distribution server information or index server information of a server capable of providing contents corresponding to said rights information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work); and wherein said control unit is of a configuration for executing processing for deciding a connection destination following said contents distribution server information or index server information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 11, Stefik further discloses wherein said control unit is of a configuration for executing processing for transmitting, to a contents distribution server providing contents, specs information including data format information of data formats playable at the information processing device serving as a contents using device, along with said rights information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 – receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting

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the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 12, Stefik discloses the following:

a) a storage unit (server computer-1803/Fig.18) for storing said use rights information associated with a user of the information processing device (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works);

b) a communication unit (server computer-1803/Fig.18) for executing communication processing with a contents using device for playing or using contents (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the computer will be receiving and processing access requests to digital works);

c) an encryption processing unit (server computer-1803/Fig.18) for executing encryption (encrypted digital work) processing including authentication (authorize digital work, table-1) processing in said communication processing via said communication unit (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –digital works are minimally encrypted, including ones on removal storage); and

d) a control unit for executing output processing of contents-corresponding rights information via said communication unit with regard to said contents using device, with establishment of mutual authentication with said contents using device as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the

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usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Stefik does not expressly disclose license storage device store the licensing and usage rights.

Spagna discloses license storage device (license database 197) store the licensing and usage rights (see ¶¶ 0285, 0321, 0821, 0926, 0930).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Stefik for a repository with security class and method for use thereof with the features of Spagna for a system and method of updating usage conditions in lieu of download digital rights management protected content in order provide these goals, a need exists for digital content providers to use an electronic distribution model to make digital content available to a wide range of users and businesses while ensuring protection and metering of digital assets.

Referring to claim 13, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents using device, and for executing processing for setting a tampering verification value to rights information to be output to said contents using device, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

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Referring to claim 14, Stefik further discloses wherein said encryption processing unit executes mutual authentication with a license purchasing device which receives rights information from a license server via a network (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on removal storage); and wherein said control unit executes input processing of contents-corresponding rights information via said communication unit, with establishment of said mutual authentication as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 – receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 15, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said license purchasing device, and for executing verification processing for a tampering verification value attached to contents-corresponding rights information input from said license purchasing device via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 16, Stefik discloses the following:

a) a communication unit (processing computer-1803/Fig.18) for receiving a contents (digital work) use request from a contents using device, and transmitting the contents (digital work) (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the computer will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works);

b) an encryption unit (server computer-1803/Fig.18) for executing encryption processing including legitimacy verification processing of contents-corresponding rights information received from said contents using device via said communication unit (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –digital work are minimally encrypted, including ones on removal storage); and

c) control unit (operating system-1301) for executing output processing of a contents file via said communication unit (server computer-1803/Fig.18) to said contents using device, with establishment of verification of said rights information as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Stefik does not expressly disclose license storage device store the licensing and usage rights.

Spagna discloses license storage device (license database 197) store the licensing and usage rights (see ¶¶ 0285, 0321, 0821, 0926, 0930).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Stefik for a repository with security class and method

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for use thereof with the features of Spagna for a system and method of updating usage conditions in lieu of download digital rights management protected content in order provide these goals, a need exists for digital content providers to use an electronic distribution model to make digital content available to a wide range of users and businesses while ensuring protection and metering of digital assets.

Referring to claim 17, Stefik further discloses wherein said rights information contains a valid information code serving as an identification code of validity management information of said rights information (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on removal storage); and wherein said control unit makes reference to a validity management table correlating validity information with said valid information code, and executes transmission processing of a contents file, with confirmation of the validity of the contents-corresponding rights information received from said contents using device as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 18, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents using device, and for executing processing for attaching a tampering verification value

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to said contents file being transmitted, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 19, Stefik further discloses wherein said control unit executes processing for storing, in header information of a contents file to be transmitted to said contents using device, RHD check mode information setting whether or not to take connection with said license storage device at the time of playing contents as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 20, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents using device, and for executing encryption of a contents encryption processing key to be stored in a contents file, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

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Referring to claim 21, Stefik discloses the following:

- a) a communication unit (processing computer-1803/Fig.18) for executing communication processing with a requesting terminal requesting said rights information (C7, L1-9, L20-28, C26, L17-29 –the processing computer will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works);
- b) an encryption unit (processing computer-1803/Fig.18) for executing encryption processing including signature generating processing with regard to rights information to be transmitted via said communication unit (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –digital works are minimally encrypted, including ones on removal storage); and
- c) a control unit (operating system-1301) for generating rights information storing an identifier of a license storage device (license server) serving as a storage device (processing computer) for said rights information, said rights information being associated with a user of the license storage device, and executing output processing of said rights information, with establishment of said mutual authentication (authorize digital work, table-1) with said requesting terminal as a precondition thereof (C3, L53-67, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Stefik does not expressly disclose license storage device store the licensing and usage rights.

Spagna discloses license storage device (license database 197) store the licensing and usage rights (see ¶¶ 0285, 0321, 0821, 0926, 0930).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Stefik for a repository with security class and method for use thereof with the features of Spagna for a system and method of updating usage conditions in lieu of download digital rights management protected content in order provide these goals, a need exists for digital content providers to use an electronic distribution model to make digital content available to a wide range of users and businesses while ensuring protection and metering of digital assets.

Referring to claim 22, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said requesting terminal, and for executing processing for setting a tampering verification value to rights information to be output to said requesting terminal, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 23, Stefik further discloses wherein said control unit executes processing for generating and transmitting rights information storing identification information of a contents distribution server or index server which distributes contents corresponding to said rights information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting

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the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 24, Stefik further discloses wherein said control unit generates rights information storing download type information containing permit/forbid information relating to cache processing permission of distribution contents (Fig.1(105,106,107) –access may be granted or denied).

Examiner's Note:

5. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

6. Applicant's arguments filed on July 31, 2008 have been fully considered but they are not persuasive.

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shahid Kamal
October 28, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621